



Date: Feb. 16, 2010

Location: Lafayette City Hall, Council Chambers

Attendees: Dave Buck, Denise Coogan, Don Emmert, Pat Jarboe, Crystal Joshua, Clem Schroll, Mike Massonne, Andrea Stutsman

Subject: Stormwater Technical Advisory Committee

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Mike Massonne thanked members for attending, and he reviewed the meeting agenda, which included a brief discussion of the policies and procedures document for the stormwater service charge, alternate rate class application and billing implementation. (slide 2)

## **1. Stormwater Program: Service Charge Policies and Procedures Document**

Massonne said the purpose of the policies and procedures is to translate technical and legal language from the ordinance so it is easily understood by the public. The document will be updated periodically to ensure issues are addressed consistently. (slides 3-4)

Clem Schroll asked if the information will be transparent, and he inquired whether or not the Engineering Department will post appeals and resolutions to the document on the Web site.

Crystal Joshua said she didn't expect that appeals would be posted on the Web site; however, if the appeal was reviewed by the Public Works Board, there would be a public record of the appeal and the resolution.

Massonne said the procedure document's table of contents provides a quick reference by topic. He said areas of interest may include account review and appeal, public information and customer service. (slide 5)

Impervious surface illustrations also are included in the policies and procedures document to demonstrate different types of impervious surface and its application on residential and non-residential property. For all practical purposes, the document and the actual stormwater bill template also will include the user fee formula and rates (2010—\$4 monthly; 2011 and later—\$5 monthly), so a resident can plug data into the formula to confirm the city's calculation. (slide 6-8)

The document also addresses the non-residential alternate rate classes. Any organization that qualifies for an alternate rate class must hold a valid National Pollutant Discharge Elimination System (NPDES) Permit from the Indiana Department of Environmental Management (IDEM). Following is a description of the rate classes:



- Alternate Rate Class A (\$2.50 per month): IDEM permitted stormwater discharge to watercourse inside the City of Lafayette corporate limits
  - Alternate Rate Class B (\$1.54 per month): IDEM permitted stormwater discharge to watercourse outside the City of Lafayette corporate limits
  - Other Exemption: Total wastewater process treated (to city)
- (slide 9)

Schroll asked if the city is offering an alternate class for residential users that don't discharge to the city.

Massonne said there are approximately 20 potential alternate rate class members, which is a small portion of the service area. He said for residential users, the city will bill one Equivalent Residential Unit (ERU), which is equal to the average impervious surface area for a residential parcel. One ERU equals approximately \$4 monthly in 2010, and there isn't an alternate rate class. He explained that the city isn't offering credits but is considering incentive programs such as reduced costs for rain barrels or rain garden programs, which would encourage participation from the community and help to meet the compliance needs of the permit.

Massonne said Subaru is an example of a potential alternate rate class member. He said the organization holds a valid NPDES permit, and discharges directly to a watercourse. Section 4 of the policy document discusses account review and appeals. Massonne called members' attention to language on page 11, and he addressed the following special situations:

- Tax exempt property owners are responsible for payment of the Stormwater Service Charges if impervious surface area is present on the property in question.
- Property adjoining a residential property of the same account containing a garage not being used for commercial purposes will not be assessed a residential service charge.
- Adjoining properties of the same account qualifying as residential and containing one common structure extending across the adjoining properties may be assessed a single ERU.
- An agricultural property/parcel containing a dwelling unit such that it qualifies as a residential property will be assessed not less than one ERU.
- Agricultural property containing structures considered impervious surface area are measured and assessed as non-residential property.
- A property/parcel containing both residential and commercial structures and uses will be considered a non-residential property for assessment purposes.
- Trails established and maintained by the City of Lafayette on or across private non-residential property will not be assessed to the private property owner.
- Impervious surface area calculations for cemeteries will not include grave markers.



- Non-maintained gravel parking areas or driveways on non-residential properties are subject to measurement as impervious surface area.
  - Stormwater management facilities such as ponds, retention and detention basins will not be assessed to the property owner as impervious surface area.
  - Property annexed by the City of Lafayette meeting the definition of residential or non-residential property is subject to the stormwater service charges as of the date of annexation.
  - For contiguous non-residential properties within the same account and having the same owner, the total ERUs for the contiguous parcels will be determined by adding the total measured impervious surface and dividing the total by 3,200 sq. ft. Rounding of the ERU shall be per the ordinance.
  - Property owners demolishing structures and eliminating, removing or reducing impervious surface area on either non-residential property should contact the City Engineering Department at (765) 807-1036.
- (slide 10)

Massonne said the Outreach and Education portion of the policy document includes stormwater definitions, abbreviations, which are referenced in the document, as well as the stormwater ordinance. The complete amended ordinance can be viewed at <http://lafayette.in.gov>. (slide 11)

## **2. Alternate Rate Class Application**

The city estimates that approximately 20 stormwater users may qualify for the alternate rate classes, based on information requested from IDEM. He said potential alternate rate class members have already been notified via letter that they can apply. Any additional qualifying users that were not contacted and are interested can find the application on the city Web site.

Massonne said each potential alternate rate class user must hold a valid NPDES permit and discharge stormwater directly to a watercourse inside or outside the city. He added that a combination of treated wastewater and stormwater also may qualify.

Applications will be renewed annually on the anniversary date, and as part of that process, the city will request the users' permit number, discharge locations and recent reports from IDEM. Massonne said the city does not intend to enforce compliance with IDEM permits, but it does need to determine the amount impervious surface that qualifies for the alternate rate classes is accurate. He said the Engineering Department will work closely with users to identify the appropriate user class and track the alternate rate classes in the city's GIS system. (slides 15-16)

Schroll said the alternate rate class system seems very bureaucratic and complex for such a small user group. He asked how much money will be spent to maintain the program.



Massonne said the city is simply requesting a copy of the user's IDEM submission. He added that Joshua also will track permits through the public notice process, so if a user not-compliant, the city will be notified.

Denise Coogan said the alternate rate classes and renewal process seemed reasonable.

Don Emmert asked if large businesses like Wal-mart qualify for the alternate rate classes.

Joshua said Wal-Mart would not qualify because the organization does not hold an NPDES Permit.

Schroll asked what the personnel impact would be to implement and monitor the alternate rate class program.

Joshua said there will be some additional effort upfront, but renewal will be completed annually. If a user's permit is in good standing and there are no changes to site, the personnel impact to complete the renewal process will be minimal. (slide 17)

### **3. Billing Implementation**

Massonne said the billing database is currently being completed and billing would begin in March. Several billing and payment options are being considered for the future. Additional outreach related to billing and the capital program also is planned. He said capital work is scheduled to begin in 2010 after revenue from the user fee has been generated. (slide 20)

Coogan asked if bills will be distributed in March with payment due in April. She added that Subaru wasn't aware of its estimated user fee until the fiscal year had already been budgeted. She asked if fees would be incurred for late payment.

Joshua said the alternate rate class for which Subaru would likely qualify would be handled separate from traditional user fee statements. She said, initially, she didn't anticipate late fees being charged to the alternate rate classes.

Schroll asked if the user fee would be included as a line item on the water bill.

Joshua said the city wants to include the user fee on the water bill, but not all users receive a water/sewer bill.

Massonne said the city needs to grow into the billing process, and as part of that process, the relationship between the data for existing water/sewer customers, as well as owners/tenants would need to be merged. He added that the integration of county city data also is creating a challenge. The city's goal with the first bill, Massonne explained, is to distribute bills that are correct in a familiar format.



Emmert asked why owners can't pass the user fee on to tenants.

Massonne said the city is not billing tenants, and he said the ordinance does not address if owners can pass that bill to tenants. He said if an owner chooses to divide the bill among tenants it is permissible.

The meeting was adjourned.